



PATENT APPLICATION  
Docket No. 16172.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER FOR PETITION UNDER C.F.R. § 1.137(b) TO REVIVE AN  
UNINTENTIONALLY ABANDONED APPLICATION

Mail Stop PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The enclosed Petition Under C.F.R. § 1.137(b) To Revive An Unintentionally Abandoned Application and Revocation and Substitute Power of Attorney are submitted herewith for filing in the matter of the United States patent application as hereinabove identified. Please find enclosed herewith the following items for filing in the United States Patent and

## Trademark Office:

12/02/2004 MAHMEED 00000040 10038291

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685.00 OP

- Petition Under C.F.R. § 1.137(b) to Revive an Unintentionally Abandoned Application with Exhibit A
- Amendment Under C.F.R. § 1.111 with Transmittal Letter
- Revocation & Substitute Power of Attorney
- Credit Card Form PTO-2038 in the amount of \$685.00 to cover the fee to revive an unintentionally abandoned application.
- The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 23-3178.
- A duplicate copy of this letter is enclosed.

Please address all future correspondence in connection with this case to the attention of the undersigned.

DATED November 30, 2004.

Respectfully submitted,



William J. Athay  
Attorney for Applicant  
Registration No. 44,515  
Customer No. 022913

WJA;kjn  
KJN000000850V001



PATENT APPLICATION  
Docket No. 16172.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**PETITION UNDER C.F.R. § 1.137(b) TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION**

Mail Stop PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.137(b), applicant hereby petitions to revive United States Patent Application Serial No. 10/038,291, which became unintentionally abandoned on September 20, 2004. Enclosed is Credit Card Form PTO-2038 in the amount of \$685.00 as set forth in 37 C.F.R. § 1.17(m) for filing this Petition under 37 C.F.R. § 1.137(b) to revive an unintentionally abandoned application. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment in regard to this matter to Deposit Account No. 23-3178. Triplicate copies of this authorization are enclosed.

The above-identified patent application became abandoned unintentionally. The Notice of Non-Compliant Amendment was not received by the attorney of record and was instead sent to previous counsel as evidenced by the address indicated on the Notice of Non-Compliant Amendment referenced in Exhibit A. In view of the foregoing, applicant respectfully requests that this Petition to Revive an Unintentionally Abandoned Application be granted.

Dated this 30th day of November, 2004.

Respectfully submitted,



William J. Athay  
Attorney for Applicant  
Registration No. 44,515  
Customer No. 022913

WJA;kjn  
KJN0000000855V001



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,291	01/02/2002	Syamal Kumar Lahiri	11042-004	7028
20583	7590	03/17/2004	EXAMINER	
JONES DAY 222 EAST 41ST STREET NEW YORK, NY 10017			BEREZNY, NEMA O	
		ART UNIT	PAPER NUMBER	
		2813		

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Paper No. \_\_\_\_\_

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 3/3/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

1. Amendments to the specification:  
 A. Amended paragraph(s) do not include markings.  
 B. New paragraph(s) should not be underlined.  
 C. Other \_\_\_\_\_

2. Abstract:  
 A. Not presented on a separate sheet. 37 CFR 1.72.  
 B. Other \_\_\_\_\_

3. Amendments to the drawings: \_\_\_\_\_

4. Amendments to the claims:  
 A. A complete listing of all of the claims is not present.  
 B. The listing of claims does not include the text of all claims (including withdrawn claims)  
 C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.  
 D. The claims of this amendment paper have not been presented in ascending numerical order.  
 E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a)**.

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

No. McLellan  
Legal Instruments Examiner (LIE)

571-272-1598  
Telephone No. \_\_\_\_\_